

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) **Case No.: 2:05-CR-258-F**
)
JASON JERNIGAN)

UNOPPOSED MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, **JASON JERNIGAN**, by and through undersigned counsel and pursuant to 18 U.S.C. §§ 3161(h)(3)(A) and (B) and (h)(8)(A) and (B)(i) and (iv), and files this Unopposed Motion to Continue Trial, requesting that the Court find that the ends of justice would be served by granting a continuance of the trial of this case from the February 13, 2006, trial docket to the June 5, 2006, trial docket.

In support of this motion, Mr. Jernigan would show the following:

1. Counsel for the prosecution does not oppose this motion.
2. This case is set for trial on February 13, 2006.
3. Pursuant to the arraignment order, and because of court holidays, pretrial motions are due by December 30, 2005.
4. The Assistant United States Attorney assigned to this case is currently out of the office and will not return until January 4, 2006.
5. Negotiations may make pretrial motions unnecessary.
6. Alternatively, several meritorious motions may be possible in this case, concerning a defect in the indictment and grounds for suppression of evidence.

7. Investigation of this case is not yet complete, as several witnesses have not been available to be interviewed by the defense.

8. The defense has requested state court documents which have not yet been received.

9. Mr. Jernigan has executed a speedy trial waiver, agreeing, if the Court permits, to the trial of this matter being scheduled on the June 2006 criminal trial docket.

10. For the reasons set forth above, pursuant to 18 U.S.C. §§ 3161(h)(3)(A) and (B) and (h)(8)(A) and (B)(i) and (iv), this matter should be continued.

For the reasons set forth above, the defendant requests this matter be removed from the February 13, 2006, trial docket and reset on the June 5, 2006, trial docket and that an additional pretrial conference be scheduled.

Respectfully submitted,

s/Anne E. Borelli

ANNE E. BORELLI

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CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kent Brunson, Esquire
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